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COMMISSION ON HUMAN RIGHTS
Intergovernmental working group of experts
on human rights of migrants
Third session
Geneva, 23 - 27 November 1998

INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Submission from the World Council of Churches
dated 12 February 1998

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WORLD COUNCIL OF CHURCHES

Response to:

UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

"Questionnaire on human rights of migrants"

In response to this questionnaire, received by the WCC Refugee and Migration Service in January, the WCC submits the following comment and responses:

Terms of Reference:
Regarding terms of reference, we believe that the working definition tentatively adopted by the working group distorts, limits and is counterproductive for the work of the Group. By referring to migration "where the decision to migrate is taken freely...for reasons of personal convenience and without intervention of an external compelling factor," the definition excludes many, if not most international migrants today. It certainly excludes the majority of migrants in especially vulnerable situations. In the experience of the member churches of the WCC around the world, a large part of migration today takes place as a result of compelling circumstances which leave people with no choice, but to leave their homes and homelands.

To limit this definition to "voluntary" migration is to deny the reality of international migration today and so to limit the focus of the working group to render it irrelevant with respect to protection of the human rights of migrants. The exclusion of "refugees, exiles or others forced or compelled to leave their homes" excludes many of those crossing borders who are subject to grave human rights violations in other lands. Masses of people today flee civil war situations, gross violations of human rights, environmental catastrophes and economic collapse. They are neither included in the existing legal definition of refugee nor provided any measure of protection by any other set of such legal standards.

A better definition of the working group's mandate might read:

> For the purpose of the work of this expert working group, the term migrant will refer to all individuals who cross borders to take up temporary or permanent residence in countries other than that of their nationality. Recognizing that certain categories of international migrants benefit from access to status providing varying measures of human rights protection (e.g. refugees, diplomats, persons with permanent residence status, etc.) the focus of this working group will be on individuals and groups with limited or no legal protection for their human rights.

Within the category of migrant, irregular or undocumented migrants should also be recognized. "Irregular migration" is growing into a global crisis today.

In reply to the questions posed:

1. We believe that the most comprehensive and best-documented estimates on the number of migrants in countries around the world are provided by the regular reports of the UN Population Division. Their latest figures indicate that a total of 120 million people resides in countries other than their own, either temporarily or permanently. These estimates include both temporary and permanent migrants, and include substantial data on undocumented or irregular migrants.

2. Churches and other non-governmental organizations work in countries in all regions of the world to strengthen the promotion, protection and implementation of the human rights of migrants. A comprehensive survey has been done in the context of reviewing implementation of implementation of the Programme of Action adopted at the International Conference on Population and Development: Chapter X on International Migration.

The WCC has recently taken two major steps in strengthening church attention to human rights of migrants in concert with its 330 member churches in over 100 countries. One was the unanimous adoption by the WCC Central Committee of a policy Statement on Uprooted People, "Choosing to Risk to be in Solidarity with the Uprooted" in September, 1995. This statement calls for active church engagement to "uphold the life and dignity of uprooted people, refugees, migrants and internally displaced persons." The WCC also declared 1997 to be the Year of Churches Solidarity with Uprooted People. Special activities took place in all regions to further sensitize and increase concern by churches and societies to upholding the dignity and human rights of the uprooted. In many places the explicit focus was on migrants. (A summary of activities and accomplishments of this special year is available from WCC.)

3. Reports to the WCC from its member churches indicate extensive and increasing manifestations of racism, xenophobia and other forms of discrimination against migrants in many countries around the world. The working group should seek to compile such reports and document these phenomena as they impact on human rights.

4. Many initial steps have now been taken by church organizations around the world to raise awareness and launch efforts to promote ratification of the 1990 Convention.

Among these Resources:
WCC together with the Churches Commission on Migrants in Europe (CCME) published in 1993 "Proclaiming Migrants' Rights" a handbook on the 1990 Convention. Tens of thousands of copies have been distributed worldwide in English, French, German and Spanish, in Arabic, Japanese and Portuguese. It remains the only widely distributed promotional material for the Convention.

Formal Support:
Most major international ecumenical organizations have officially declared support for ratification of the convention and call on member churches to engage in activity to promote entry into force. Statements and declarations to this effect have been made by the World Council of Churches, the Conference of European Churches (CEC), the Middle East Council of Churches (MECC), and the Pacific Conference of Churches (PCC). (Roman Catholic

bodies, including the Vatican and most regional Conferences of Bishops, have made similar pronouncements.)

Promotional Activity:
Specialized church-related international bodies have defined plans for organizing ratification efforts and campaigns. These include the Churches Commission for Migrants in Europe (CCME), the Global Ecumenical Network on Uprooted People (GEN), the International Catholic Migration Commission (ICMC), the European Conference on Uprooted People and the South American Ecumenical Network on Refugees and Migration.

In Quito in October, 1997, the South American Network called upon its member bodies to initiate or strengthen national non-governmental organizing campaigns in a number of South American countries, including Argentina, Bolivia, Chile, Ecuador, Peru and Uruguay.

Many of these and other organizations have lamented the lack of information and promotional materials on the Convention available from the UN itself. They note that materials such as have been available for promotion of other conventions, are necessary in awareness building and advocacy with government officials, parliamentarians, news media and others.
Some of these organizations, notably the CCME, have long been active in promoting ratification of the relevant ILO Conventions. (These Conventions are also highlighted in the 1993 WCC-CCME booklet on the UN Convention mentioned above.)

February 12, 1998